

REMARKS

Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 10-16, 20-26, 30-34, 36-46, 48, and 49 were rejected under 35 U.S.C. § 102(b) as being anticipated by the disclosure of the U.S. Patent of Ericson No. 2,208,213. Of these rejected claims, claims 1, 10, 20, 30, and 36 are independent claims. Each of these independent claims recites subject matter of the invention that is not identically disclosed by the Ericson reference. It is therefore submitted that the independent claims 1, 10, 20, 30, and 36 are allowable over the Ericson reference, and that their dependent claims are allowable over the Ericson reference.

It is a fundamental tenant of patent law that for a prior art reference to anticipate claimed subject matter, the reference must identically show every element of the claimed subject matter.

For a prior-art reference to anticipate, every element of the claimed invention must be identically shown in a single reference.

In Re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

[A]ny degree of physical difference, however slight, invalidates the claims of anticipation.

Ultradent Products, Inc. v. Life-Like Cosmetics, Inc., 39 U.S.P.Q.2d 1969, 1980 (Utah 1996).

Each of the independent claims of the application includes a common novel feature of the invention that is not identically shown by the Ericson reference. Because this feature that is common to all of the independent claims is not identically shown by the Ericson reference, this degree of physical difference is sufficient to invalidate the anticipation rejection under the above-cited case law.

Independent claim 1, among other features of the invention, requires that when the pair of support panels are moved to their operative positions with an angle defined between the pair of support panels, a movable panel be movable along the runner between a first position where the movable panel is generally parallel to the first surface of the first support panel, and a second position where the movable panel is generally parallel to the second surface of the second support panel.

In the rejection of the claims, the display binder of the Ericson reference is interpreted to have support panels 7, 8 and a movable panel 4. However, as shown in Figure 4, with the support panels 7,8 positioned with an angle between the panels, in one position of the movable panel 40 the panel is generally parallel with one support panel 7, but in the second position of the movable panel 4, it is not generally parallel with the second support panel 8. Therefore, the Ericson reference does not identically show the feature of claim 1 described above, and this physical difference is sufficient to invalidate the anticipation rejection of claim 1. Claim 1 and its dependent claims 2-9 are therefore allowable over the Ericson reference.

In a similar manner, independent claim 10 recites first and second support panels that are movable to relative positions where an angle is defined between the panels, and at least one movable panel that is movable along the runner between a first position where the panel is generally parallel to the first support panel when the panels are in the relative positions with the angle defined between the panels, and a second position where the movable panel is generally parallel to the second support panel when the panels are in the relative positions with the angle defined between the panels. As explained above with regard to claim 1, this feature of the invention is not identically

shown by the Ericson reference. This physical difference invalidates the anticipation rejection of claim 10 in view of the Ericson reference, and claim 10 and its dependent claims 11-19 are allowable over the prior art.

In a similar manner, independent claim 20, among other features of the invention recites when the pair of support panels are moved to their operative positions with an angle defined between the pair of support panels, a movable panel is movable along the runner between a first position where the movable panel is generally parallel to the first surface of one of the support panels, to a second position where the movable panel is generally parallel to a second surface of one of the support panels. As explained above with regard to claim 1, the Ericson reference does not identically show this feature of the invention. This physical difference invalidates the anticipation rejection of claim 20 in view of the Ericson reference, and claim 20 and its dependent claims 21-28 are allowable over the prior art.

In a similar manner, independent claim 36 recites first and second support panels that are movable to an open position where the first and second support panels define an angle between the first and second support panels, and a movable panel that is rotatable between a first position where the panel is supported by one of the support panels in the open positions of the support panels, and a second position where the movable panel is supported by the other of the support panels in the open positions of the support panels. In viewing Figure 4 of the Ericson reference, it can be seen that the movable panel 4 can be moved to a position where it is supported by one of the support panels 7, but when moved to its other position, it is not supported by the other support panel 8. Thus, the Ericson reference fails to identically show every feature of the

invention recited in claim 36. This physical difference between the subject matter of claim 36 and the disclosure of the Ericson reference invalidates the anticipation rejection of claim 36, and claim 36 and its dependent claims 37-49 are allowable over the prior art.

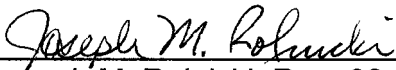
Summarizing the above amendments to the claims and the remarks, each of the independent claims now recites a sign having first and second support panels that are movable to relative or operative positions where the first and second panels define an angle between the support panels. In addition, the claims recite a movable panel that is movable from a first position where it is parallel to one of the support panels to a second position where it is parallel to the other of the support panels when the support panels are in their operative or relative positions with an angle defined between the support panels. Figure 4 of the Ericson reference which shows the interpreted support panels 7,8 at an angled orientation fails to disclose any of the interpreted movable panels 4 that can be positioned parallel to both the interpreted support panels 7,8. In view of this, the Ericson reference does not identically disclose the subject matter of the invention recited in the claims, and the claims of the application are allowable over the new grounds of rejection presented by the Board of Appeals.

It is also noted that claims 7-9, 17-19, 27, 28, 35, and 47 had been objected to, but were indicating as reciting allowable subject matter. Claims 7, 17, 27, 28, 35, and 47 have been amended herein by adding all of the subject matter of their original base claims to these dependent claims. It is, therefore, respectfully submitted that claims 7-9, 17-19, 27, 28, 35, and 47 are allowable over the prior art.

Method claims 30-34 have been cancelled herein.

It is respectfully submitted that in view of the amendments and remarks presented herein, the application is in condition for allowance and a favorable action is requested.

Respectfully submitted,



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